

REMARKS

Some of the claims have been amended to change "a" to --at least one-- or "the" to --one or more--. These changes are not narrowing amendments.

"Commercials" was changed to --agents-- in the "auctioning" element of several claims. This is to correct an obvious error and does not narrow the claim.

Claims 2, 12 and 16 have been amended to put them in independent form. This does not change the scope of these claims.

Art rejections

Since the references are complex, Applicants will confine their remarks to those portions cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Per the Examiner's suggestion, Applicants have added the broadcast limitation to the independent claims herein. The reference fails to teach or suggest that broadcast television could be combined with separately broadcast commercials that are selected via auction. Reconsideration in light of the amendment is respectfully requested.

The rejection of claims 2 and 12 are respectfully traversed. The portion of the reference cited by the Examiner fails to teach or suggest the use of a vault to store a winning bid. Instead the reference cites storing the winning bid in a cookie. Applicants attach a definition of "data vaulting" from the online encyclopedia called www.pcwebopaedia.com. Per this definition data vaulting includes sending data off site.

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In the case of the present television system, "off site" is more loosely defined, as shown in Fig. 1 as being a separate hardware device from the television. The point of a vault is something more secure than a cookie, which is readily changed from the Internet.

The official notice regarding "Dutch Auction" in the rejection of claim 9 is respectfully traversed. If this concept is in fact well known, as the Examiner alleges, it should be described in documents that the Examiner can provide. Without access to these documents, Applicants cannot evaluate whether it is obvious to one of ordinary skill in the art to combine them with the references already of record. Such documentation is accordingly respectfully requested.

The rejection of claim 16 is respectfully traversed. The Examiner cites Zigmond as showing delivering an agent with a commercial. Applicants respectfully submit that the Examiner mischaracterizes the reference. The portion cited by the Examiner at least states that what is delivered are "rules." "Rules" are not an agent. Applicants enclose herewith an definition of "agent," again from the online Webopaedia. As indicated in this definition, an agent is a program that operates in the background. Rules are not a program, necessarily. Rules would typically be used by a program. Applicants also have enclosed a definition of "rule." Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 16.

Any of the Examiner's rejections and/or points of argument that are not addressed above would appear to be moot in view of the following. Nevertheless, Applicants

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reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

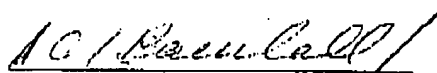
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Applicants respectfully submit that they have addressed each issue raised by the Examiner — except for any that were skipped as moot — and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

Respectfully submitted,

By



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The process of sending data off-site, where it can be protected from hardware failures, theft, and other threats. Several companies now provide Web backup services that will compress, encrypt, and periodically transmit a customer's data to a remote vault. In most cases the vaults will feature auxiliary power supplies, powerful computers, and manned security. Also referred to as a remote backup service (RBS).

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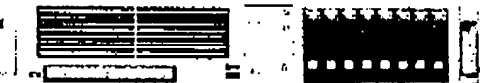
agent

(n.) A program that performs some information gathering or processing task in the background. Typically, an agent is given a very small and well-defined task.

Although the theory behind agents has been around for some time, agents have become more prominent with the growth of the Internet. Many companies now sell software that enables you to configure an agent to search the Internet for certain types of information.

In computer science, there is a school of thought that believes that the human mind

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<http://www.pcwebopaedia.com/TERM/a/agent.html>

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Is agent? - A Word Definition From the Wikipedia Computer Dictionary

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essentially consists of thousands or millions of agents all working in parallel. To produce real artificial intelligence, this school holds, we should build computer systems that also contain many agents and systems for arbitrating among the agents' competing results.

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rule

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(1) In word processing and desktop publishing, a straight line that separates columns of text or illustrations.

(2) In expert systems, a conditional statement that tells the system how to react to a particular situation.

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